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Attorneys for Defendant
Quanta Biosciences, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DISTRICT

TROLL BUSTERS® LLC,

Plaintiff,

v.

ROCHE DIAGNOSTICS GMBH, ROCHE
MOLECULAR SYSTEMS (RMS),
ROCHE APPLIED SCIENCES
EUROGENTEC NORTH AMERICA
INC., CLONTECH LABORATORIES
INC., INTEGRATED DNA
TECHNOLOGIES (IDT), LIFE
TECHNOLOGIES CORPORATION

Case No. 11-cv-0056-IEG-WVG

**DEFENDANT QUANTA BIOSCIENCES,
INC.'S RULE 5.1 NOTICE OF
CONSTITUTIONAL CHALLENGE**

Date: June 13, 2011
Time: 10:30 a.m.
Courtroom 1, Fourth Floor
Judge: Hon. Irma E. Gonzalez

1 QIAGEN NV., THERMO FISHER
2 SCIENTIFIC, INC., QUANTA
3 BIOSCIENCES, INC., GENE LINK INC.,
4 GENSCRIPTS USA INC., EMD
5 CHEMICALS INC., TRILINK
6 BIOTECHNOLOGIES INC., AND
7 CEPHIED,

Defendants.

8 Defendant Quanta Biosciences, Inc. hereby files this notice regarding its motion and
9 joinder in Defendant Roche Molecular Systems' Motion to Dismiss (Dkt. No. 91), which raises a
10 constitutional challenge to 35 U.S.C. § 292, the False Marking Statute, as set forth in Docket No.
11 91-1, filed on May 4, 2011. The question raised by this challenge is whether the False Marking
12 Statute's delegation of the power to litigate on behalf the United States to a private *qui tam* relator
13 absent any meaningful procedural safeguards violates the Take Care Clause of Article II, § 3, of
14 the United States Constitution.
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1 DATED: May 9, 2011

PERKINS COIE LLP

3 By: s/ Michelle M. Umberger

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17 Attorneys for Defendant
18 Quanta Biosciences, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on May 9, 2011 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

s/ Michelle M. Umberger
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